

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 G. MICHAEL GERMAN
Deputy Attorney General
4 State Bar No. 103312
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8 **BEFORE THE**
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against,

13 **CORINNE JALEH COOK**
14 **P.O. Box 954**
Carlsbad, CA 92008

15 **Occupational Therapy Assistant License No.**
16 **OTA 1348**

One.

Case No. OA 2004-124S

PETITION TO REVOKE PROBATION

17 Complainant alleges:

18 **PARTIES**

19 1. Complainant Heather Martin brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the California Board of Occupational Therapy
21 (Board), Department of Consumer Affairs.

22 2. On March 1, 2004, the Board issued Occupational Therapy Assistant License Number
23 OTA 1348 to Respondent Corinne Jaleh Cook. The License was in effect at all times relevant to
24 the charges brought herein and will expire on November 30, 2010, unless renewed.

25 3. In a disciplinary action entitled "In the Matter of Accusation Against Corinne Jaleh
26 Cook," Case No. OA 2004-124, the Board issued a decision, effective July 24, 2009, in which
27 Respondent's Occupational Therapy Assistant License was revoked. However, the revocation
28 was stayed and Respondent's Occupational Therapy Assistant License was placed on probation

1 for a period of three years with certain terms and conditions. A copy of that decision is attached
2 as Exhibit A and is incorporated by reference.

3 JURISDICTION

4 4. This Petition to Revoke Probation is brought before the Board, Department of
5 Consumer Affairs, under the authority of the following laws. All section references are to the
6 Business and Professions Code unless otherwise indicated.

7 5. Section 2570.26 of the Code states:

8 (a) The board may, after a hearing, deny, suspend, revoke, or place on probation a
9 license, certificate, inactive license, inactive certificate, or limited permit.

10 (b) As used in this chapter, "license" includes a license, certificate, limited permit,
or any other authorization to engage in practice regulated by this chapter.

11 (c) The proceedings under this section shall be conducted in accordance with
12 Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the
Government Code, and the board shall have all the powers granted therein.

13 6. Section 2570.27 of the Code states in pertinent part:

14 (a) The board may discipline a licensee by any or a combination of the following
15 methods:

16 (1) Placing the license on probation with terms and conditions.
17

18 (3) Revoking the license.
19

20 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
21 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
22 disciplinary action during the period within which the license may be renewed, restored, reissued
23 or reinstated.

24 FIRST CAUSE TO REVOKE PROBATION

25 (Failure to Comply with Probation Reporting Requirements)

26 8. At all times after the effective date of Respondent's probation, Condition 2 stated:

27 2. Compliance with Probation and Quarterly Reporting. Respondent shall fully
28 comply with the terms and conditions of probation established by the Board and shall
cooperate with representatives of the Board in its monitoring and investigation of

Respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

9. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2 in that Respondent failed to return an authorization allowing an employer to release employment records to the Board as requested in correspondence to Respondent dated February 23, 2010.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Comply with Notification Requirements)

10. At all times after the effective date of Respondent's probation, Condition 6 stated:

6. Within 5-days of the effective date of the Decision subject is required to notify any current employer or prospective employer that her license was placed on probation.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6 in that Respondent failed to notify Rehab Alliance, within five days of the effective date of the Decision, that her license had been placed on probation.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Comply with Notification Requirements)

12. At all times after the effective date of Respondent's probation, Condition 6 stated:

6. Subject is required to notify the Board, in writing, within 5-days, of any changes in her employment status.

13. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6 in that Respondent failed to notify the Board, in writing, within five days of the effective date of the Decision that she was employed by Rehab Alliance.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Supervision Requirements)

14. At all times after the effective date of Respondent's probation, Condition 8 stated:

8. Supervision Requirements. Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to the respondent while employed as an occupational therapist or occupational therapy assistant.

Respondent shall not function as a supervisor during the period of probation except as approved, in writing, by the Board.

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 8 in that Respondent failed to secure prior approval from the Board regarding the level of supervision that would be provided to her at Rehabilitation Alliance, PHS Staffing, Titan Medical Group, and Interface Rehabilitation.

FIFTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Biological Fluid Testing Requirements)

16. At all times after the effective date of Respondent's probation, Condition 16 stated:

16. Submit Biological Fluid Samples. Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in the test results; positive test results will be immediately reported to the Board and the respondent's current employer.

17. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 16 in that Respondent failed to submit to biological fluid testing as follows:

DATE	RESULT
July 9, 2010	No show.
July 13, 2010	No show.
July 15, 2010	No show.
July 20, 2010	No show.
July 22, 2010	No show.

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 16 in that Respondent failed to find and secure a drug testing facility to conduct random biological fluid testing in a timely manner. Board correspondence dated June 24, 2009, instructed Respondent to secure testing by July 24, 2009, the effective date of the probation. Respondent did not secure testing until February 15, 2010.

19. Respondent's urine specimen collected on May 3, 2010, was positive for alcohol in EtG (ethyl glucuronide) and EtS (ethyl sulfate) testing. Respondent attributed the positive test to consuming a cough medication that may have contained alcohol. Respondent acknowledged receiving information titled "Medications Safe to Use in Recovery" that was provided to her to prevent a positive test for this reason.

20. Respondent also failed to maintain a current and active account with FirstLabs Inc., the testing vendor. Testing was suspended by FirstLabs Inc. on July 27, 2010, due to non-payment of past due fees and will remain in effect until reimbursement in the amount of \$547.00 is paid in full.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Revoking the probation that was granted by the California Board of Occupational Therapy in Case No. OA 2004-124 and imposing the disciplinary order that was stayed thereby revoking Occupational Therapy Assistant License No. OTA 1348 issued to Corinne Jaleh Cook;
2. Revoking or suspending Occupational Therapy Assistant License No. OTA 1348, issued to Corinne Jaleh Cook; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

SD2010702568